IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4008 OF 2004

Bhaskar Shamrao Patil ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr.Naveen Chomal for Applicant.

Mr.S.R.Shinde, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

SEPTEMBER 20, 2004.

P.C.

1. Heard Counsel for the parties.

2. The Application preferred by the Applicant before the Sessions Court came to be dismissed for default. Learned A.P.P. submits that the Applicant ought to have availed the remedy before the Sessions Court on merits. Learned Counsel for the Applicant, however, submits that the Applicant was apprehending arrest and could not remain personally present before the Sessions Court, as no

interim protection was granted to the Applicant.

3. Taking overall view of the matter, the appropriate course, to my mind, is to dispose of this Application by granting liberty to the Applicant to approach the Sessions Court afresh, which Application will be decided on its own merits in accordance with law.

4. The Applicant shall not be arrested for a period of one week from today, to enable him to approach the Sessions Court.

5. If application is filed within one week from today, the Sessions Court may consider to extend the interim protection, if so advised, in the event, the hearing of the Bail Application cannot be concluded within one week.

6. Application disposed of.

7. All concerned to act on the ordinary copy of this order, duly authenticated by the Office.

A.M.KHANWILKAR, J.